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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/518,719      | 09/19/2005  | Hyung Kyu Jung       | 3427-0135PUS1       | 1011             |

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EXAMINER

BASINGER, SHERMAN D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/518,719             | JUNG, HYUNG KYU     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Sherman D. Basinger    | 3617                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-5 is/are rejected.
- 7) ☒ Claim(s) 2 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/21/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biancucci in view of Andow et al.

In Biancucci the device for dabbling in water is shown in figure 1. In Biancucci the body section support frame is upper cross 1; the first floating section having a plurality of first rods 3 and a plurality of second rods 6 is shown in figure 1; the first floating parts are 10; the second floating section plurality of wires are 13; and the second floating parts which are connected to the other ends of the wires includes belt 12 and its supports.

Biancucci does not disclose that the support frame 1 has a configuration of a ring. Note the support frame 22, 24, 26 and 28 of Andow et al which has the configuration of a ring. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to design the support frame 1 of Biancucci such that it has the configuration of a ring similar to that of frame 22, 24, 26 and 28 of Andow et al. Motivation to do so is to be able to provide four wires 13 supporting the belt 12 similar to the four straps of Andow et al. Better support of a swimmer will result.

In claim 1 “to be worn on the feet of the user” is considered to be an intended use of the second floating parts. So long as belt 12 can be worn on the feet of a user, belt 12 is one of the second floating parts.

Further, claim 1 does not state that the second floating parts are buoyant. The belt 12 is a floating part because it floats along with the frame due to the buoyancy of float means 10 of Biancucci.

The coupling holes and pins of the first and second rods of Biancucci are shown in figure 4.

Biancucci does not disclose that each first floating part comprises a bracket which is rotatably affixed to a lower end of the second rod and has substantially a 180 degree rotated U shaped configuration, and a floating wheel which is rotatably mounted to both legs of the bracket by a hinge and has a hollow sectional shape to be floated on the surface of the water.

Note the caster wheel assemblies of Andow et al which comprise a bracket which is rotatably affixed to a lower end of the rods 14, 16, 18 and 20 and which have substantially a 180 degree rotated U shaped configuration, and a wheel which is rotatably mounted to both legs of the bracket by a hinge.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify the mounting of

the each first floating part 10 of Biancucci such that it has a mounting similar to that of the wheels of Andow et al. As such each floating part 10 will comprise a bracket which is rotatably affixed to a lower end of the second rod 6 and will have substantially a 180 degree rotated U shaped configuration, and each floating wheel 10 will be rotatably mounted to both legs of the bracket by a hinge.

Biancucci does not disclose the wheels 10 as being of a hollow sectional shape to be floated on the surface of the water. However, to make them hollow would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains as this is an easy way to provide such buoyancy to the wheels 10 of Biancucci.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biancucci and Andow et al as applied to claim 1 above, and further in view of Chapman.

Biancucci does not disclose the first rods 3 as being formed in the coupling holes with internal threads and the couplings pins of the second rods 6 being formed on the outer surface with external threads.

Note in Chapman the first rod A with an internally threaded hole at its end and the second rod B with a pin with external threads.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to modify the first rods 3 of Biancucci to be formed in the coupling holes with internal threads similar to those of Chapman and to modify the couplings pins of the second rods 6 of Biancucci to be

formed on the outer surface with external threads similar to those of Chapman.

Motivation to do so is to provide a way to attach the rods to each other without the use of pin 7.

***Allowable Subject Matter***

4. Claims 2 and 6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

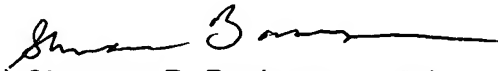
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chu is cited to show the apparatus for supporting a human in water.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 571-272-6679. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Sherman D. Basinger  
Primary Examiner  
Art Unit 3617  
3/28/06

3/28/06